

**PLANNING AND ZONING COMMISSION
MINUTES
GENERAL MEETING
March 9, 2004**

PLACE: Room 119
Town Hall

TIME: 8:00 P.M.

PLANNING AND ZONING COMMISSION MEMBERS ATTENDING:
Damanti, Spain, Bigelow, Forman, Kenny

STAFF ATTENDING: Ginsberg, Keating

Mr. Damanti read the first agenda item:

Discussion of 2005 Town Plan of Conservation & Development

Discussion of results of League of Women Voters roundtables held in 2003 and 2004.

Mr. Ginsberg outlined the two roundtable sessions organized by the League of Women Voters held in October 2003 and January 2004. He noted that the October 2003 session was with the League of Women Voters (LWV) and the January 2004 session was with RTM members in Town Hall. He explained that many of the questions were similar, and the results have been summarized by the LWV for the Planning & Zoning Commission's review. He explained that common themes were discussed in the various sessions and that it proved to be a very successful exercise. Mr. Damanti noted that items in the roundtables included the need for a Park & Recreation master plan and concern about certain properties such as Weed Beach. Ms. Forman and Mr. Kenny both noted that the perception by some people within these roundtable write-ups is that the Planning & Zoning Commission is "anti-business." They both agreed that was not the case. Mr. Spain said that the roundtable results are helpful for the Commission to understand issues to be addressed in the Town Plan of Conservation and Development. The issue of large houses ("McMansions") was then discussed. Ms. Forman explained that parking issues were mentioned as part of the roundtable, and both sides of that issue were mentioned – i.e., that the Town has not enough parking downtown and that the Town has too much parking downtown. It appears to her that there is no consensus from the general public on that issue.

Mr. Spain said that creative approaches need to be considered for the Town and that it is helpful to have the results of these roundtables present such approaches. The issues of downtown parking and traffic were then discussed. Mr. Spain explained that the Turnpike (I-95), Boston Post Road, and the railroad all impact downtown to a great extent. Mr. Damanti summarized by noting that the roundtables have proven to be a worthwhile exercise and thanked the League of Women Voters for all the time and effort they put into making this a success. Mr. Spain stated that the comments have been submitted to the Commission and that Commission members and the general public continue to get comments from Mr. Ginsberg for potential incorporation into the Town Plan. Mr. Kenny noted that although a significant amount of comments were received regarding downtown Darien, it is important to not forget Noroton Heights as a viable commercial district in the community. Mr. Damanti added that the eastern end of town (the DB-2 Zone) is also important to recognize. Ms. Martha Wright said that someone had mentioned the idea of a subcommittee, that she believed would be a worthwhile idea to consider. Mr. Damanti said that the Commission will meet with separate groups as they write the Town Plan of Conservation and Development, including the EPC,

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SWRPA, Historical Society and Architectural Review Board. Thus, he did not believe that a subcommittee would necessarily be the best solution.

At 8:40 p.m. Mr. Damanti then read the next agenda item:

Discussion of 2005 Town Plan of Conservation & Development

Discussion regarding Parks, Recreation, and Open Space.

The Park and Recreation Commission and the Park and Recreation Committee of the RTM have been invited to attend. Other members of the general public are welcome and encouraged to join the discussion. A working draft of this chapter that will be used as a starting point for discussion can be found at: <http://www.ci.darien.ct.us/townplan/>.

(Attending from General Public: Martha Wright, Bruce Fletcher, Susan Cameron, Betty Jewett, Cheryl Russell, Pat D'Arinzo, Millie Miceli, Jane Branigan, Doug Bora, and others)

Mr. Ginsberg noted that the draft Chapter and draft Appendix were disseminated on Friday to members of the Park & Recreation Commission, members of the Park & Recreation Committee of the RTM, and placed on the Town of Darien website. Mr. Damanti noted the format of the proposed Town Plan with short, concise chapters, and appendices that contain the tables and maps applicable to that chapter. He believed that this will result in a more user-friendly and readable document. Mr. Ginsberg then outlined the various issues covered in both the chapter and the appendix. Ms. Forman said that the issue of public-private partnerships could not have been anticipated or foreseen in the last Town Plan of Conservation & Development, and it is important that it be covered in this Town Plan. She said that it is obvious that these Plans cannot possibly anticipate everything that may occur over the next 10 years. It is important, therefore, to keep the Plan general in nature. She emphasized that a Park & Recreation master plan is necessary. Mr. Spain said that only the Planning & Zoning Commission can assess changes in the Subdivision Regulations and possible creation of a larger open space requirement as part of any change. He believed that fees in lieu of open space makes sense for Darien. He also suggested the possibility of a clear cutting/tree ordinance for the Town. Mr. Damanti noted that there are a substantial number of changes in both the Darien Zoning and Subdivision Regulations that are needed. However, the Town Plan of Development has taken priority over those potential changes. Mr. Bigelow agreed that master planning of key properties in Town is necessary. He said that there needs to be a balance between active and natural passive space, and there needs to be a sufficient amount of both. Ms. Forman added that although bike paths are desirable and a great idea, it may be difficult to find appropriate locations for such.

Mr. Spain then asked about the sewer plant on Nearwater Lane. Pat D'Arinzo said that the entire area inside the fence is used for sewer purposes. Betty Jewett of Friends of Woodland Park asked how to get comments to the Planning & Zoning Commission members. Mr. Damanti responded that one could send comments via e-mail or regular mail. The issue of a Woodland Park master plan was discussed, and it was noted that the Park & Recreation Commission would be the proper forum to perform such a master plan. That Commission should be involved in master planning for park properties, and a public/private partnership for such plans may be applicable. Bruce Fletcher then said that he supports the Weed Beach master plan, and noted that it needs to be more than just the Park & Recreation Commission working on and involved in the development of such a plan. Mr. Doug Bora of Nearwater Lane said that Weed Beach is under tremendous development pressure

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by the community. Martha Wright mentioned that Weed Beach is not under utilized and should remain somewhat passive. Mr. Spain said that it is important for the community to make the best use of this public resource. Ms. Forman cautioned that any wording relative to Weed Beach or any other property must be very carefully crafted.

Ms. Cheryl Russell asked about fees in lieu of open space. Mr. Ginsberg explained how such a program would be implemented and that any required open space is a result of requirements in the Darien Subdivision Regulations. This is specifically authorized per the State Statutes. Susan Cameron mentioned issues related to maintenance of these small open space areas scattered throughout the community. Mr. Fletcher noted that the purpose of open space needs to be discussed in the Plan, and a better introduction is needed outlining the benefits of passive open space. Ms. Forman explained that open space preservation is a goal and that there are various strategies available for its protection. She said that the Planning & Zoning Commission will leave it up to others to determine the most appropriate method for open space preservation. Ms. Cameron mentioned that the function of open space should be included in this Plan as it was in the 1995 Plan. She also claimed that the Nature Conservancy does not own property in Town. She said that she will submit written comments to the Commission. Ms. Forman summarized by noting there is a need to balance the future needs of the community. There being no other questions or comments, the Commission then moved on to the next agenda item at 9:50 p.m.

Coastal Site Plan Review #191, Edward V. Spurgeon, 35 Raiders Lane, R-1 Zone.

Replacement of existing in-ground swimming pool.

Mr. Ginsberg outlined the materials submitted by Mr. Spurgeon, including his March 1, 2004 letter to David Keating. The Commission confirmed with Mr. Spurgeon that the pool will be the same size, and in the same place as the existing pool per his letter. On a motion by Mr. Kenny, seconded by Mr. Spain, the request to replace the existing in-ground swimming pool at 35 Raiders Lane was unanimously approved by a vote of 5-0.

Coastal Site Plan Review #186-A, Flood Damage Prevention Application #198-A, Denis & Jennifer Manelski, 11 Pratt Island.

Proposing to raze the existing residence, garage and greenhouse, and construct a new residence on the existing foundation with an addition, a garage, and a swimming pool, and perform related site development activities within regulated areas. The subject property is located on the south side of Pratt Island approximately 1,150 feet south of the intersection of Nearwater Lane and Baywater Drive, and is shown on Tax Assessor's Map #55, as Lots #121 and #122 in the R-1 Zone.

Mr. Damanti noted that at the public hearing on this application, Attorney Wilder Gleason representing the adjacent property owners the Mills, submitted a list of issues with the Manelski application. He noted that a number of them were not related to the coastal or flood issues which the Commission is reviewing as part of this application. Mr. Spain agreed that the submitted application may not have had enough details. Mr. Damanti then outlined the various issues related to this project. Mr. Ginsberg confirmed that those would include, but not be limited to, the location and type of pool fence; the location of the HVAC units; and the location of the pool equipment. Mr. Kenny acknowledged that there is a level of detail missing on this application as submitted. Mr. Damanti mentioned that the Planning & Zoning Commission recently approved the rebuilding/reconstruction of a house at 9 Pratt Island which is very close to this property. He

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reviewed both the differences and similarities of the two properties. Mr. Kenny said that both the pool fence location and type of pool fence and the location of the silt fence were missing from the application materials, which he believed to be a serious deficiency. Mr. Damanti agreed that an anti-tracking pad needs to be added to the plans as well. Mr. Spain noted that the appeal of the Poirier determination by Mr. Keating to the Zoning Board of Appeals may moot out any decision made by the Planning & Zoning Commission on this matter.

Mr. Damanti explained that a 4 foot high wrought iron pool fence was mentioned at the Public Hearing by Mr. Maslan as a logical pool fence immediately adjacent to the proposed pool. Mr. Spain suggested drafting a resolution granting the application, addressing the needed details. He suggested that the staff look at the blue prints used on the O&J Investments property on Brush Island Road for guidance on a pool fence which does not impose on coastal views. He said that staff should be careful and deliberate in reading and reviewing the record on this matter to ensure that all outstanding issues have been properly addressed. Mr. Kenny confirmed that staff should ensure that all items have been covered in any draft resolution for the Commission's consideration on this application.

There being no other business, the meeting was then adjourned at 10:20 p.m.

Respectfully submitted,

Jeremy B. Ginsberg
Director of Planning & Zoning